



## U.S. Department of Justice

Application granted.

**SO ORDERED.**

Philip M. Halpern  
United States District Judge

Dated: White Plains, New York  
January 31, 2024

**By ECF**

The Honorable Philip M. Halpern  
United States District Judge  
Southern District of New York  
300 Quarropas Street  
White Plains, New York 10601

Re: *Darley v. United States of America, et al.*, No. 22 Civ. 714 (PMH)

Dear Judge Halpern:

This Office represents the United States of America (the “Government”), in the above-referenced action brought by *pro se* plaintiff Nicholas Darley (“Plaintiff”), who is currently incarcerated at the United States Penitentiary in Marion, Illinois. I write to respectfully request that the Court grant the Government leave to take the deposition of Plaintiff pursuant to Federal Rule of Civil Procedure 30(a)(2)(B). The deadline for fact discovery in this matter is February 14, 2024. ECF No. 99.

The Government seeks to depose Plaintiff to gather additional facts about his Complaint, the claims at issue in the case, and Plaintiff’s alleged damages. The deposition is scheduled to take place remotely, via Webex, on February 1, 2024. I have arranged with the Bureau of Prisons so that Plaintiff will be available and able to access a computer for the deposition on that date. Pursuant to Federal Rule of Civil Procedure 30(a)(2)(B), a party must obtain leave of the court to depose a witness confined in prison, and the court must “grant leave to the extent consistent with Rule 26(b)(1) and (2).” Accordingly, the Government respectfully requests that the Court grant the Government leave to depose the Plaintiff on February 1, 2024.

I thank the Court for its consideration of this request.

Respectfully,

DAMIAN WILLIAMS  
United States Attorney for the  
Southern District of New York

By: /s/ Dana Walsh Kumar  
DANA WALSH KUMAR  
Assistant United States Attorney  
Tel.: (212) 637-2741  
Email: Dana.Walsh.Kumar@usdoj.gov

cc: Nicholas Darley  
#50309-048  
USP Marion  
U.S. Penitentiary  
P.O. Box 1000  
Marion, IL 62959  
*PRO SE*  
(By Certified Mail)